



# Town of Barnstable

## Regulatory Services

Thomas F. Geiler, Director

### Licensing Authority

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### BARNSTABLE LICENSING AUTHORITY LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2<sup>nd</sup> Floor Hearing Room, Hyannis, MA – 9:30 a.m.

October 29, 2007

A regular meeting of the Barnstable Licensing Authority was held on Monday, October 29, 2007. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Dick Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Lt. JoEllen Jason and Patrolman Steven Maher, Liaison from the Barnstable Police Department, and Christine Ade, Recording Secretary. Paul Sullivan, Clerk was absent.

#### Requests:

**One Day All Alcohol and One Day Entertainment Licenses:** Application of Bill Sykes on behalf of **Best Buddies International**, 13 River Street, Plymouth, for a **One Day All Alcohol and One Day Entertainment License** for it's Best Buddies Challenge Bicycle Ride on May 17, 2008 from 12 pm to 9 pm, culminating with a catered event in a tent with live music and dancing at 1014 Craigville Beach Road, Centerville.

Bill Sykes, Logistics Director, appeared for Best Buddies International. Their event was very successful this summer and they look forward to another event next season which will be the same as this year's event. They are looking for a 20% rider increase. They made it to \$2.3 million this year. They will have a new band – the B-52's. Mr. Hoxie asked about the property – it was owned by Jim Crocker and now owned by Anthony Shriver of Best Buddies. The caterers will dispense the alcohol. Best Buddies was founded in 1986 to provide 1-1 friendships to people with intellectual disabilities. All 50 states have chapters. They help to train and provide jobs – and are moving now into other countries as well. The costs are picked up by corporate sponsors. They cover all the expenses. Mr. Burman asked about the admission charge and whether it is totally open to the public? There is a fundraising level each rider has to attain in order to participate. He wondered how they limit the crowd. Mr. Sykes stated the fundraisers only are invited to the party. Mr. Burman wondered if the families are involved; Mr. Sykes stated they are not. They have private security. Mr. Boy asked directly if it was open to the public – it is but only if they have raised the fundraising limit.

A motion was duly made by Gene Burman and seconded by Dick Boy and a unanimous vote taken to approve the application of Bill Sykes on behalf of **Best Buddies International**, 13 River Street, Plymouth, for a **One Day All Alcohol and One Day Entertainment License** for it's Best Buddies Challenge Bicycle Ride on May 17, 2008 from 12 pm to 9 pm, culminating with a catered event in a tent with live music and dancing at 1014 Craigville Beach Road, Centerville.

**One Day Entertainment License:** Application of Schissler and Associates, 69 River Street, South Yarmouth, MA for a **One Day Entertainment License** for a moving picture show to be performed at the Barnstable High School auditorium, 744 West Main Street, Hyannis, MA on Saturday, November 17, 2007 from 6 pm to 11 pm.

David Schissler appeared for the application. It will be a Warren Miller film – an icon in the skiing industry. He is bringing it to the Cape for the first time – one night only. The funds raised are for profit. They have all the permissions from the school – Police Dept., Fire Dept. etc. Mr. Burman Mr. Burman asked if the form with all the signatures was in our file – it is not but will be provided by the applicant.

A motion was duly made by Gene Burman and seconded by Dick Boy and a unanimous vote taken to approve the application of Schissler and Associates, 69 River Street, South Yarmouth, MA for a **One Day Entertainment License** for a moving picture show to be performed at the Barnstable High School auditorium, 744 West Main Street, Hyannis, MA on Saturday, November 17, 2007 from 6 pm to 11 pm subject to receipt of a copy of the departmental approvals.

**Hearings:**

**New Junk Dealer License:** Application of Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 53 Thornton Drive, Hyannis, MA, Timothy J. Ferreira, Manager, for a **New Junk Dealer's License**.

Attorney James Connors appeared with Mr. Ferreira for this application. Assistant Town Attorney, Charles S. McLaughlin, Jr., came forward asking that the Licensing Authority put the matter on hold pending present litigation with Mr. Ferreira – that is the Town Legal Department's recommendation. Mr. Hoxie then asked that this matter be continued.

Officer Maher stated that the police department's concern is that the applicant is not operating out of the address that is licensed. The licenses are specific to a LOCATION. Mr. Burman had a letter from Pleasant Bay Real Estate stating Mr. Ferreira is a tenant at will"; it is not a lease for the property at 53 Thornton Drive. That must be cleared up prior to the hearing for 53. Mr. Hoxie continued this to 12/3/07.

**New Class II Auto Dealer License:** Application of Paulo L. Gualberto, d/b/a Route 66 Auto Sales, 14 Joaquim Road, Hyannis, Paulo L. Gualberto, Manager, for a New

Class II Auto Dealer License, with a maximum of 4 display vehicles. All employees must park inside (2 spaces in bay).

Mr. Gualberto has been there for 3 years; he owns a paving company he is selling – none of the equipment is there at present. Mr. Hoxie asked about repair, washing, etc. Mr. Gualberto stated there will be none of that there. He is familiar with the auto auctions although he has not had a license to sell vehicles. Mr. Burman asked the total number of vehicles – he stated 4 outside and 2 inside the bay. Officer Maher asked that we use the wording “total inventory” for the auto dealer licenses.

A motion was duly made by Gene Burman and seconded by Dick Boy and a unanimous vote taken to approve the application of Paulo L. Gualberto, d/b/a Route 66 Auto Sales, 14 Joaquim Road, Hyannis, Paulo L. Gualberto, Manager, for a New Class II Auto Dealer License, with a maximum of 6 vehicles.

### **Renewals:**

The following renewals have been submitted without any changes from the previous year for Licensing Authority approval.

### **Common Victualler**

Marylou's Coffee  
Papa Gino's - 790 Iyannough Road  
D'Angelo's - 187 Falmouth Road  
D'Angelo's - 793 Iyannough Road  
IHOP  
Cooke's Seafood  
Kentucky Fried Chicken/Taco Bell  
Craigville Beach Grill  
Friendly's  
BJ's Wholesale Club #321  
Sbarro  
Persy's Place  
Chopsticks  
Papa Gino's – Bell Tower Mall

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Common Victualler Licenses.

### **Class I Auto Dealer**

Cycle Services JD Signs, LLC  
Trans-Atlantic Motors  
Ford of Hyannis

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Class I Auto Dealer Licenses.

**Class II Auto Dealer**

Mutual Auto Sales  
Oceanside Classics  
Club 44 Acquisitions  
Barnstable Road Auto Repair  
Robert J. Trapp, Inc.  
Barnstable Motors Wholesale  
Image Motors  
MBM Auto Sales  
California Auto Sales  
Joe's Auto Sales  
Hyannis Auto Center, Inc.  
Earl T. LeGeyt Used Cars

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Class II Auto Dealer Licenses.

**Lodging House**

Sail Inn  
Bursley Manor  
Simmons Homestead Inn  
Friends of Prisoners  
Old Hundred House  
Sea Beach Inn  
Boston Culinary Group, Inc.  
Cape Cod Ocean Manor  
Captain David Kelley House

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Lodging House Licenses.

**Cinema/Theatre**

Barnstable Comedy Club

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Cinema/Theatre Licenses.

### **Mini Golf**

Lightning Falls

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Mini Golf Licenses.

### **Daily Live Entertainment**

Barnstable Comedy Club

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Daily Live Entertainment Licenses.

### **Non-Live Entertainment**

Lightning Falls  
Papa Gino's – 790 Iyannough Road  
Papa Gino's – Bell Tower Mall

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Daily Non-Live Entertainment Licenses.

### **Video Games**

Papa Gino's – 790 Iyannough Road

A motion was duly made by Gene Burman and seconded by Dick Boy and a unanimous vote taken to approve the above applications for renewal of their Annual Video Game Licenses.

### **Sunday Entertainment**

Barnstable Comedy Club

### **Other Business:**

Response of John Evans, Up the Creek Again, to neighbor's complaint. Mr. Hoxie asked if all had read the letter dated October 3<sup>rd</sup> in response to a complaint form a

neighbor. Mr. Hoxie asked if we should have the licensee before us. He noticed the licensee states the beverages must be brought in if brought outside and that additional chairs have been removed. Mr. Hoxie thought they were not granted seats outside and were not to serve outside. Mr. Hoxie asked for a Show Cause Hearing at our next meeting for violation of the conditions of the outside patio as set forth by the Authority in its meeting on the conditions of the patio – no seating and no service outside. Mr. Geiler stated it does not state that on the license. Mr. Hoxie asked if we could review the actual minutes, and if we feel they violated the intent of the patio we should bring them in; if not he leaves it up to staff to recommend whether or not there will be a hearing. Mr. Geiler stated if the licensee was asking for JUST a smoking patio there would be no reason to come to the Authority.

New fee proposal. Mr. Geiler asked that the Authority review the fee increase proposal – explaining it was requested to be put into effect December 2008. He stated that because of the way the renewal process works, we have already started the process for the '08 season and prepared licenses ahead of renewal time. This way they will also have plenty of advance notice for the '09 season. He thinks the fee increase of 10% in 4 years is not too much. Mr. Burman asked if it takes into effect an increase for Board members?

Lt. Jason would like to be on the agenda for 11/19 for the Police Dept. to update us on the summer season and some recommendations or considerations the Board could use.

Adjourned at 10:05 am.

Respectfully submitted,

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Christine P. Ade, Recorder  
Barnstable Licensing Authority

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Martin Hoxie, Chairman  
Barnstable Licensing Authority